

Okanogan Superior Court  
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Local rules of the Superior Court of the State Of Washington  
for Okanogan County

Effective September 1, 2000

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Local Rules for Mandatory Arbitration (LRMA) of the Superior  
Court of the State of Washington for Okanogan County

Amendment

Effective September 1, 2000

LRMA 1.2 (a)

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF OKANOGAN

In Re:

Local Rules of Okanogan  
County for Superior Court

ORDER ESTABLISHING  
LOCAL RULES AND  
AMENDING LOCAL RULES  
FOR MANDATORY ARBITRATION

## 1. LOCAL RULES

The attached Local Rules of the Superior Court of the State of Washington for Okanogan County shall take effect on September 1, 2000 and supersede all prior rules of this court. All local Rules previously known as OLR's and all forms attached thereto are superseded effective September 1, 2000. The following exception applies: the Okanogan County Superior Court Local Rules for Mandatory Arbitration (LMRA) and forms attached thereto adopted by court order on December 23, 1994 remain in full force and effect as amended herein.

## 2. LOCAL RULES FOR MANDATORY ARBITRATION (LRMA)

The Okanogan County Local Rules for Mandatory Arbitration (LRMA), adopted effective January 2, 1995, are amended as follows. The following sentence is removed from LRMA 1.2 (a): "The establishment, termination or modification of maintenance or child support payments are included, RCW 7.06.020(2)." This amendment is effective September 1, 2000.

So ordered this 28th day of June, 2000

Jack Burchard  
Judge

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## LR 1. TITLE AND SCOPE

- (a) Preface. These rules shall take effect on September 1, 2000, and supersede all prior rules of this court. The previous rules known as "OLR's" which were adopted effective May 1, 1986 are hereby replaced. Forms listed as Appendices A through D will no longer be used. These rules shall be known as the Local Rules of the Superior Court of the State of Washington for Okanogan County. These rules may be cited in the following form: "LR"
- (b) Scope. These rules apply to all matters before the Okanogan County Superior Court. To the extent these rules conflict with statewide rules, the statewide rules apply. Okanogan County Superior Court will follow Washington State Court Rules and only promulgate local rules as deemed necessary.

- (c) Arbitration. By Order dated December 23, 1994, Okanogan County Superior Court adopted local rules for mandatory arbitration (LRMA) which remain in effect. See LMRA.
- (d) Waiver and Construction. Any provision of these rules may be waived or modified by order of the court for good cause shown, or as required in the interest of justice. These rules should be construed to promote the fair, just and truthful resolution of disputes and to avoid unnecessary expense and delay.

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## LR 2. JUDICIAL POSITIONS

- (a) Judicial Positions. RCW 2.08.065 provides that there shall be two superior court judges for Okanogan County. However, the authorizing legislation also requires primary funding of the newly authorized second judicial position from local resources by Okanogan County, 1999 Laws of Washington, c 245. Until that funding is available, there will continue to be just one department of the superior court with one judge and such commissioners and pro tem commissioners as deemed necessary and authorized by law.
- (b) Commissioners. Both district court judges shall serve as superior court commissioners. The court shall appoint one other commissioner and such pro tem commissioners as are necessary.
- (c) Authority of Commissioners. Court Commissioners shall perform duties as assigned by the court and shall have all powers conferred by law, including the authority to accept pleas in criminal matters. Commissioners may perform other duties as stipulated by the parties if authorized by the court.

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## LR 3. SUMMARY JUDGMENT AND OTHER SPECIAL SETTINGS

- (a) Special Settings. Summary Judgment hearings and all matters requiring more than ten minutes per side to argue must be specially set by written notice. Such hearings may be arranged by contacting the court administrator or bailiff

(509-422-7130). Matters requiring less than ten minutes per side may generally be placed on the appropriate law and motion calendar.

- (b) Telephonic hearings. Telephonic hearings are authorized for most matters other than trial if stipulated by the parties. The record of such hearings will be made by tape recording. In order to avoid technical difficulties, the party initiating a telephonic conference or hearing must utilize a conference service provided by an operator or telephone company. The use of in-office conferencing equipment is not authorized.

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#### LR 4. THE RECORD

A court reporter will be provided for all jury trials. The record for all other proceedings shall be maintained by tape-recording unless otherwise arranged by the parties.

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#### LR 5. WORKING COPIES OF WRITTEN MATERIALS

Working copies for the judge's use must be provided for all of the following: all summary judgment materials including briefs and supporting materials; all briefs and supporting materials for any specially set matter; trial briefs, motions in limine, witness lists and similar material. Working copies of exhibits should be provided to the court during all civil trials.

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#### LR 6. CONFIRMATION AND CANCELLATION OF HEARINGS

- (a) Summary Judgment. Summary judgment hearings must be confirmed by calling the court administrator 48 hours before the scheduled hearing (509-422-7130). Failure to comply may result in cancellation.
- (b) Cancellation and Continuance. When the parties wish to

cancel or continue special set matters or law and motion matters, the party who originally set the hearing must notify the clerk at least twenty-four hours before the scheduled hearing. Notice must also be provided to the court administrator at 509-422-7130.

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## LR 7. TRIAL SETTING AND PRE-TRIAL PROCEDURES

- (a) Trial Setting. Any party may request a trial setting by use of the Request For Trial Setting And Initial Statement of Arbitrability form that is attached to the Okanogan County Superior Court Local Rules for Mandatory Arbitration and can be obtained from the court administrator. The form must be served on all opposing counsel or parties and filed with: Office of the Court Administrator, PO Box 112, Okanogan, WA 98840 (509-422-7130). Opposing counsel and any pro se party shall prepare, serve and file an additional request within 14 days. All counsel and pro se parties must provide unavailable dates on the form or by separate attachment. The listing of a date as unavailable is a request not to have trial set on that date. Such requests must be reasonable and should not result in unnecessary inconvenience or undue delay.
- (b) Multiple Settings and Priorities. The administrator sets trial dates based upon the information provided in the Request for Trial Setting and Initial Statement of Arbitrability. Because of scheduling difficulties in a single judge county, the administrator will give cases multiple settings with some of those being second or third place settings. Counsel and parties should be prepared for trial regardless of the priority of a specific setting. Second and third set cases are often called for trial. Counsel and parties are required to maintain awareness of the status of their trial setting by contacting the administrator who will endeavor to provide current information on the status of cases set with higher priority.
- (c) Scheduling Orders. Scheduling orders issued by the court administrator do not address issues such as discovery cutoff, disclosure of experts and any other scheduling issues except trial dates and pre-trial conference dates.
- (d) Pre-Trial Conference. Pre-trial conferences are required in all cases except family law cases. Participation in the pre-trial conference is mandatory. Procedures and

requirements for the pre-trial conference shall be set by separate court order in each case. Such conferences may be telephonic by prior arrangement with the court administrator.

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#### LR 8. ALTERNATE DISPUTE RESOLUTION

The court may order mediation or a settlement conference in any case or category of cases. The trial judge should not preside at settlement conferences. At the request of the parties, commissioners and visiting judges can be scheduled for settlement conferences. Upon agreement, the parties may use the Okanogan County Dispute Resolution Center, visiting judges, commissioners and others for mediation and settlement negotiations. The procedure established in the local rules for mandatory arbitration is available in other cases upon agreement of the parties. The court administrator will provide all possible assistance in arranging alternate dispute resolution.

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#### LR 9. JURY TRIALS

- (a) Jury Selection. Juries will be selected by the method commonly known as the "struck juror system." Before the process begins, the clerk will randomly assign sequential numbers to all prospective jurors who have appeared, and will seat them in the courtroom in that order. The judge and counsel will be provided with a seating chart or roster of the panel as seated. The judge will conduct orientation and general questioning.
- (b) Alternate Juror. In lieu of the procedure designated by statute, the parties may stipulate that the alternate juror be designated by random drawing to be announced after closing argument.
- (c) Jury Instructions. Each party should file one cited and numbered copy of proposed instructions with the clerk in order to preserve the record. Each party should also provide one cited and numbered copy and one un-cited, un-numbered and un-stapled copy of instructions to the court administrator for the judge's use. The parties should

provide a copy of their instructions on disk to the court administrator at the beginning of the trial if they may need the assistance of court staff in revising instructions. Written instructions in civil cases should be provided by the time of the pre-trial conference. Written instructions in criminal cases should be provided prior to commencement of trial.

- (d) Agreed Statement of the Case. In all civil jury trials the parties shall jointly prepare a neutral and agreed summary description of the case. The court will read that statement to the jurors during the orientation phase of selection. The statement should be in plain language but may be used to introduce the jury to necessary vocabulary or concepts.
- (e) Juror Note-Taking. The court allows jurors to take notes and provides written copies of instructions to each juror. Juror notes are destroyed at the end of trial. The copies of instructions provided to jurors are not preserved.

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LR 10  
Dissolution of Marriage

- (a) Property and Debt Itemization. The parties must fully prepare and use the Court's property and debt itemization form in all dissolution trials. The form shall be initially prepared and completed by the petitioner listing the petitioner's values and proposed distribution of each item. Items should be sufficiently described to avoid confusion. Present possession and acquisition cost should be included. Debts should be separately listed. The petitioner shall provide the form to respondent at least ten days prior to trial. The respondent shall list the respondent's values and proposed distribution of each item on the same form. The respondent may add items overlooked by petitioner on the same form or continuation pages. Respondent shall provide the completed form with both parties entries to petitioner two full days before the trial. Prior to commencement of trial, respondent shall provide a copy of the entire completed form, including the entries by both parties, to the court administrator. Blank forms may be obtained by contacting the office of the court administrator, PO Box 112, Okanogan, WA. 98840, 509-422-7130.

- (b) Prior to commencement of trial both parties shall provide a complete current financial declaration using the mandatory domestic relations form presently designated WPF DR 01.0550, Financial Declaration (FNDCLR). Another format may be use if it provides substantially the same information organized in a similar manner.

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#### LR 11. PARENTING SEMINARS

- (a) Applicable Cases. This rule applies to all domestic cases including dissolutions, legal separations, non-parental actions for child custody and paternity actions (in which paternity has been established) where a parenting plan or residential plan is required. The rule also applies to parties in an action seeking a major modification of a previous parenting or residential plan.
- (b) Designated Provider. The court shall review the qualifications and designate any approved provider of the mandatory parenting class. The court will also accept any comparable class that has been approved by any other superior court.
- (c) Attendance Requirement. Each parent and each other party seeking any rights under a parenting or residential plan shall, within ten days after initiating or being served with initial documents in a case covered by this rule, contact a designated provider to schedule attendance at the court approved parenting class. At least thirty days prior to trial in such a case, or prior to entry of a final parenting plan or residential schedule if no trial is held, each such party attend and complete the parenting class, and shall file proof thereof with the court.
- (d) Exemption and Enforcement. The court may waive the seminar for good cause. In no case shall opposing parties be required to attend classes together. However, except in cases involving allegations of domestic violence or where court orders prohibit such contact, the parties may attend the same class at the same time. Unless exempted, a party who fails to comply may be punished by civil contempt remedies, by an order striking pleadings or court dates, or in such other manner as the court deems appropriate.
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## LR 12. PRO SE LITIGANTS

- (a) Family Law Facilitator Program. The Court has created a family law facilitator program to provide basic services to pro se litigants in family law cases. The county commissioners have imposed a surcharge of \$10 on the filing fee for all Title 26 RCW cases to pay for the expenses of the program. That fee will ordinarily not be deferred or waived even if the balance of the filing fee is deferred or waived due to indigence.
- (b) All pro se litigants (those without attorneys, except petitioners in domestic violence or civil harassment cases) whether plaintiff, defendant, petitioner or respondent, must file a pro se notice of appearance when their case commences. The form must include that party's full name, signature, mailing address and telephone number. A new form must be filed in the event of a change in address or phone number. Parties who fail to comply with this order may have their pleadings stricken or may be subject to court action without notice. A copy of the pro se notice of appearance should be attached to any request for trial setting submitted to the court administrator. A form for this purpose may be obtained from the court administrator or family law facilitator.

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### LRMA 1.2 (a)

LRMA 1.2 (a) is amended to remove the following sentence:  
"The establishment, termination or modification of  
maintenance or child support payments, RCW 7.06.020(2)."

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